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SITUATION OF HUMAN RIGHTS IN THE TERRITORY OF THE FORMER YUGOSLAVIA

Second periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 of 23 February 1993

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Introduction */

1. By April/May 1993 tension between the Government and Croat forces, erstwhile allies, had erupted into open hostilities in places such as Donji Vakuf, Gornji Vakuf, Konjic, Jablanica, Travnik, Vitez and, most recently, in the area of Zenica and Mostar. Grave allegations of violations of human rights and international humanitarian law have been made against both parties. It has been conservatively estimated that 5,000 people were displaced in central Bosnia in one week in early May. However, figures are very difficult to confirm because people are hiding, afraid of both the actual fighting and of ethnic persecution. Looting, rape, executions and intimidation are reported to be commonplace.

2. A team of the Special Rapporteur's field staff visited the Lasva valley area of central Bosnia and Herzegovina, the scene of fighting between the two forces, from 30 April to 7 May 1993. This report is based on their interviews with eye-witnesses, on-site investigations, meetings with local civil and military authorities as well as with representatives of Croat forces in de facto control of relevant areas. While it was not possible to conduct an exhaustive investigation of all allegations, this report is primarily composed of the findings of the Special Rapporteur's field staff and illustrates the need for further investigations to be carried out in a systematic way with the necessary personnel and resources. For example, it was not possible on this occasion satisfactorily to investigate the serious allegations, such as mass arbitrary detentions and expulsions of civilians, which have been made in connection with recent hostilities between government and Croat forces in Zenica. Both forces are alleged to have violated international humanitarian law in their treatment of the civilian population of the other party.

3. In addition to the information gathered by field staff, the Special Rapporteur is, once again, grateful to the international organizations and intergovernmental and non-governmental agencies active in the area for their cooperation and support.

4. The investigation was carried out by field staff under very difficult conditions. On one occasion, field staff visited the village of Ahmici near the town of Vitez and came under sniper fire when they attempted to obtain testimony from local residents. Although the identity of the snipers could not be established, this area is under the de facto control of the Croat Defence Council (HVO), whose forces have been implicated in the destruction of Ahmici. The Special Rapporteur strongly condemns such attempts to obstruct investigations by field staff. It was only thanks to the cooperation of the British battalion of UNPROFOR that the team was able to return to this village later to complete the investigation.

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*/ The present report should be read in the context of those previously submitted by the Special Rapporteur (E/CN.4/1992/S-1/9; E/CN.4/1992/S-1/10; A/47/666; E/CN.4/1993/50; E/CN.4/1994/3).

5. Reliable information has been gathered regarding several of the individuals responsible for the violations of human rights and humanitarian law outlined here. For the safety of witnesses, their identities and locations are not published in this report. However, the testimonies and other information gathered has been forwarded to the Commission of Experts established pursuant to Security Council resolution 780 (1992).

6. While it has not been possible to deal in this report with events elsewhere in Bosnia and Herzegovina, the Special Rapporteur would like to draw attention to the fact that ethnic cleansing by Serb forces did not end when control of an area was taken by military force. Intimidation and persecution of Muslims and Croats in places such as Banja Luka and Bijeljina continue to force them to leave. It is feared that in these areas the end of the process of ethnic cleansing is rapidly approaching.

I. ETHNIC CLEANSING BY CROAT FORCES

A. Background

7. Lasva valley in central Bosnia and Herzegovina stretches from Travnik in the north-west to Busovaca in the south-east and includes Dubravica, Nova Bila and the town of Vitez. According to the peace plan proposed by the negotiators of the International Conference on the former Yugoslavia, the valley would form part of province 10 which would be under Croat administration. The population of this proposed province is predominantly Croat but in many parts of the Lasva valley region, Muslims constitute a majority. This is particularly the case with the city of Travnik, which would be the provincial capital. Its pre-war population was 45.3 per cent Muslim, 36.9 per cent Croat and 16.8 per cent others. Muslim residents of the city and the surrounding areas are reported to be extremely reluctant to accept a Croat administration. For example, a recent attempt to replace the flag of Bosnia and Herzegovina with the flag of the so-called Croat Community of Herzeg-Bosna on all government buildings in Travnik led to considerable tension and violence.

8. The main transport routes of central Bosnia and Herzegovina, cross the Lasva valley and the area is regarded as being of great strategic importance. Both the Army of the Republic of Bosnia and Herzegovina and Croat HVO forces are vying for control of the area.

B. The town of Vitez

9. In the early morning of 16 April armed clashes broke out between the Army of Bosnia and Herzegovina and Croat HVO forces in the town of Vitez. There were also simultaneous and apparently concerted attacks by Croat HVO forces on the surrounding villages. Most of the villages appear to have been defended and combat ensued, with the notable exception of Ahmici, which is discussed below. Very little territory seems to have changed hands although the town of Vitez is now split by the confrontation line between the two forces which runs through it. Hundreds of civilians are said to have been killed. The bodies of 101 civilian dead have been identified in the town of Vitez. Of these, 96 were Muslim and 5 were Croat.

10. International observers reported that on several occasions during these clashes, they saw Croat HVO soldiers throwing grenades into homes and shooting indiscriminately at civilians. These witnesses also report that a number of families were executed in their homes by bullets to the head at very close range by Croat forces and that at least one multiple rape was committed by these soldiers.

11. Systematic expulsions of non-Croats from their homes and hiding places by HVO forces is also reported to have taken place in and around Vitez. The requirement to create additional housing for expected arrivals of displaced persons has been used as an argument attempting to justify such forcible expulsions.

12. Leading Croat political figures in the Lasva valley region are reported as constantly using the media as a means of "demonizing" other ethnic groups. Atrocities against Muslims or Serbs are rarely if ever reported and are usually blamed on Serb forces or an unknown group of "extremists". In contrast, relatively minor incidents involving Croats are exaggerated and sensationalized. It is reported that in the days prior to the attack on Muslim civilians in the area of Vitez and the Lasva valley, a prominent local member of the Croatian Democratic Union (HDZ) suggested on the radio, without any apparent justification, that a massive attack by government forces was imminent, that "Mujahidin" forces would destroy the entire town and commit atrocities against women and children. All Muslim residents in Vitez were identified as conspirators in this plan, portrayed as "Islamic fundamentalists" and threatened with death. This is reported to have added greatly to the climate of fear and hatred in the area.

C. The village of Ahmici

13. The village of Ahmici is approximately 2 kilometres east of the town of Vitez in central Bosnia and Herzegovina. Until 16 April, the population was approximately 800, about 90 per cent of whom were Muslim. The village housed an estimated 300 Muslims who had previously been forcibly displaced from other areas. According to the peace plan proposed by negotiators of the International Conference on the former Yugoslavia, the village would form part of a province under Croat administration.

14. By all accounts, including those of the local Croat HVO commander and international observers, this village contained no legitimate military targets and there was no organized resistance to the attack.

15. In the early morning of 16 April, at approximately 5.30 a.m. Croat HVO forces launched a mortar attack on the northern part of the village of Ahmici. The shelling effectively prevented people from fleeing towards the wooded area to the north of the village. The villagers were thus presented with the choice of remaining in their homes or fleeing south towards the main road to Vitez. It appears that a large number of residents chose the latter option and ran southwards to an open field where Croat HVO forces were waiting. At least 20 fleeing civilians were ambushed at the field and shot at close range, mainly in the head and neck. There appear to have been no survivors of this ambush. Field staff visited the scene and found three vantage points where high-powered, sniper-calibre shell casings had been left behind.

16. While the northern side of the village was being shelled, Croat HVO soldiers reportedly walked into the village and moved, in groups of five or more, from house to house shooting and throwing grenades through doors and windows. Field staff counted an average of 50 spent shells around each house from a variety of weapons including rocket-propelled grenades. It appears that in a number of cases, residents were ordered to come out of their homes and were summarily executed. In other cases, soldiers entered the homes to execute the inhabitants. Many of the houses had been deliberately torched.

17. One eye-witness, who was in a house on the edge of the village, related how he had hidden behind a couch in one room, as Croat HVO soldiers burst into the other. The family of the house were in the next room: a father, mother, four-year-old boy and three-month-old infant. The witness heard a burst of machine gun fire and saw the husband and wife fall to the ground. The soldiers then poured petrol, which they carried in glass bottles, all over the rooms, including the couch, behind which the witness was hiding. The house was then ignited with matches. The witness was unable to determine whether the family had been killed by the gun-shots before being set on fire. After waiting a few moments, the witness crawled out of the house to lie in a hollow before fleeing to a neighbouring village. Serious burns were sustained on his hands, legs and down one side of his body. On the basis of the witnesses' testimony, the charred remains of the family were located in the shell of the house by field staff and buried by the British batallion of UNPROFOR.

18. In another house, eight bodies, burnt beyond recognition, were found. What appeared to be the remains of an adult and young child were found on the doorstep while the remains of four to six persons (it was reportedly not possible to determine with exactitude how many) were found in the cellar. The remains in the cellar are reported to be those of a mother and her four children and it has not been possible to determine the cause of death. There is reason to suspect that these people may have been burned alive.

19. Of the 89 bodies which have been recovered from the village, most are those of elderly people, women, children and infants. A list of 101 possible victims was obtained through the testimony of displaced persons who had witnessed killings. When the Special Rapporteur's field staff visited the village in early May, some of the approximately 180 destroyed houses were still smouldering, two weeks after the attack. Most of their roofs had caved in. During or after the attack, the two mosques in the village were destroyed, one with explosives; the other was gutted by fire and was still smouldering when field staff visited the village. It is estimated that as many as 100 bodies may still remain under the rubble in the village but attempts to retrieve them are very hazardous due to the instability of remaining walls. The village is described as "stinking of death".

20. All the approximately 180 Muslim homes were effectively destroyed. There are now no Muslims in the village. The 15 or so Croat homes in Ahmici were left untouched in the attack and some of the Croat villagers remain. Some of these people confirmed that they had been present during the attack but were unwilling to discuss the events of 16 April.

21. During the attack, approximately 150 Muslims were rounded up and detained for 16 days in the Braca Ribara school in Dubravica. Their release was

secured by the International Committee of the Red Cross and United Nations High Commissioner for Refugees. Field staff met about 100 of the ex-detainees in Zenica, three days after their release. The vast majority of those detained were women and children. They reported that they were given very little food and alleged that two of the women were raped by their Croat HVO guards.

22. Some Muslims from Ahmici fled to Vitez and surrounding villages. There are reports that, in at least some cases, Muslims are being hidden by Croats in areas under Croat HVO control. In addition, about 200 people from Ahmici have sought shelter in Zenica but approximately 300 of its original Muslim population have yet to be accounted for.

23. At least 50 and possibly up to 150 soldiers are reported to have been involved in the operation. According the testimonies gathered from the 50-60 survivors interviewed, the soldiers were all wearing Croat HVO uniforms. It appears that some of the attackers were from Ahmici itself as well as surrounding villages and eye-witnesses identified 18 Croat HVO soldiers from the area by name.

24. Local and regional military leaders of Croat HVO forces, as well as a local leader of the Croat Democratic Union (HDZ), the political party in government in Croatia, adamantly denied allegations that their soldiers carried out such attacks around Vitez. They suggested that Serb forces or irregulars of the Croatian Defence Council (HOS) may have been responsible. It is highly improbable that Serb forces were involved. The attacks in the Lasva valley on 16 April involved several hundred soldiers deep within areas under the control of Croat HVO forces. The village of Ahmici is itself less than 2 kilometres from the HVO headquarters in Vitez. Nor does there appear to be evidence that Croat HOS irregular forces were involved. These forces are readily identifiable by their distinctive black uniforms and although some were present in the area of hostilities at the time (as well as later), none of the eye-witnesses alleged that Croat HOS forces were involved.

25. As of the writing of this report, no investigation of the allegations has been conducted by any of the Croat military or political leaders in de facto control of the area.

D. The city of Mostar

26. On 9 May, fighting broke out between the army of Bosnia and Herzegovina and Croat HVO forces in and around the city of Mostar. At the time of writing this report, several cease-fires agreed by the parties had not succeeded in ending the fighting there.

27. On the night of 9 May, large numbers of Muslim civilians, together with a much smaller number of Serbs, were rounded up in their homes and are now detained by Croat forces in a disused aircraft factory south of the town. On 12 May, international relief workers were allowed very brief access to this detention camp where between 1,500 and 2,000 people are now held. The detainees include women and children who are kept separated from the male detainees and many are concerned as to the whereabouts of family members as no communication is allowed between the groups.

28. Conditions in the former factory and the adjacent buildings being used to house the detainees are reported to be squalid, especially for the men. Up to 60 people are held in one room, frequently without mattresses or blankets to sleep on. Some rooms in the men's quarters have insufficient space for the men to sleep fully outstretched. Food is reported to be a couple of biscuits and a glass of milk or water per day. Basic hygiene necessities such as soap or toilet paper have not been provided. The humiliation of the detainees is reported to be acute.

29. There are allegations that some of the detainees are being held underground and tortured. However, no investigation of this has yet been possible.

30. The Croat forces running the camp argue that the women and children are free to leave and were brought to the camp to protect them from the heavy fighting in the city. The Croat forces running the camp have stated that those whose homes have not been destroyed by the fighting will be able to return there when the fighting ceases. The others would be kept at their current location.

31. It is certainly the case that there has been heavy fighting in the city. The vast majority of the detainees are Muslim with a handful of Serbs and it is reported that their Croat neighbours living in the same apartment blocks were not so detained. Selection for arbitrary detention was clearly made on the basis of ethnicity. Detainees have alleged that they were forcibly removed from their homes with only a few minutes' notice with some people being removed in their underwear. It is also reported that they were not allowed to bring personal possessions. The camp is under heavily armed guard and at least some detainees are said to be in fear for their lives. Some of the detainees have been removed from the camp and remain to be accounted for.

32. It is reported that in mid-April the Croat military and civilian authorities in de facto control of Mostar issued a regulation which seriously restricts the rights enjoyed earlier by displaced persons in the town. The regulation is reported as redefining the criteria for eligibility for refugee identity documents which are necessary for the receipt of humanitarian assistance. It appears that new identity documents will only be issued to minors between the ages of 1 and 17 years, women over the age of 55 years and men over 60, who do not live in abandoned flats and who come from "occupied" areas of Bosnia and Herzegovina or Croatia. The new cards would reportedly only be provided until UNHCR can provide suitable accommodation in safe countries not affected by war.

33. It is estimated that there are 16,000 displaced persons in Mostar. It is very difficult to ascertain how many of these will be disqualified from humanitarian assistance, but one estimate put this number as high as 10,000. It is estimated that the overwhelming majority of displaced persons in Mostar are Muslim and many of them live in abandoned flats.

34. There is serious reason for concern that the effect of this regulation will be to force displaced people, usually non-Croats, onto the streets and render them ineligible for humanitarian assistance so as to force them to

leave Mostar. Another effect of this regulation is expected to be to empty the abandoned flats for use by the Croats whom the Mostar Croat leaders expect to arrive from Zenica.

35. Even prior to this new regulation, there were reports of forced evictions of Serbs from their homes, often at gunpoint, to accommodate Croat HVO soldiers and their families in their place.

36. From this behaviour it would appear that there is a deliberate attempt to partition Mostar, the capital of the Herzegovina area, into Croat and Muslim areas and then to exchange populations between the provinces which the peace plan proposed by the International Conference on the former Yugoslavia accords to the respective parties.

II. ARBITRARY EXECUTIONS BY GOVERNMENT FORCES IN THE VITEZ AREA

37. Croat civilians have also been the victims of violations of humanitarian law. Field staff visited the village of Miletici, north of Vitez, and gathered testimony which alleges how, around 16 April, members of government forces from neighbouring villages and "Mujahidin" encircled the village and selected five young Croat men, some of whom who were then tortured before they and the others were executed. Croat residents reported that government forces from the village normally protect them against such attacks. Twenty-seven of the 34 Croat inhabitants of the village are said to have left in fear for their lives.

III. CONCLUSIONS

38. The information gathered in the preparation of this report demonstrates that the recent eruption of hostilities between Croat and government forces in central Bosnia and Herzegovina involved massive and systematic violations of human rights and international humanitarian law.

39. The forced displacement and detention of civilians, arbitrary executions, attacks on towns as well as the destruction of villages and religious sites have become part of a deliberate and systematic policy of ethnic cleansing conducted by Croat forces in that region. The fate of the civilian population of Ahmici is a particularly shocking application of this policy.

40. Arbitrary executions and torture have been carried out by government forces. The danger of retaliation for ethnic cleansing committed by Croat forces against Croat civilians in towns such as Zenica is a real one.

41. The credibility of the parties' commitment to human rights will be tested by their willingness to bring to justice the perpetrators of such atrocities as are outlined in this report.

42. Commitments which all parties to the conflicts in Bosnia and Herzegovina have repeatedly entered into to respect human rights and international humanitarian law, including written agreements concluded upon international mediation, have been systematically violated.

43. The peace plan, according to which Bosnia and Herzegovina would be divided along ethnic lines, has been used in order to create ethnically homogenous areas. The lack of an effective international response to counter the policy of ethnic cleansing perpetrated by Serb forces from the beginning of the war created the precedent of impunity which has allowed them to continue and which has encouraged Croat forces to adopt the same policy.

44. Without stopping the war and without applying sufficient pressure to force an end to human rights violations any attempts to find a just and lasting political solution will be doomed to fail.

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